

# EXHIBIT 3

Hearing

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

PHILLIPS, L.G., LCD CO., LTD, )  
Plaintiffs, ) C.A. No. 04-343 (JJF)  
v. )  
TATUNG CO., TATUNG COMPANY OF )  
AMERICA, INC., and VIEWSONIC )  
CORPORATION, )  
Defendants. )

Hearing of above matter taken pursuant to notice before Renee A. Meyers, Registered Professional Reporter and Notary Public, in the law offices of BLANK ROME, LLP, 1201 North Market Street, Wilmington, Delaware, on Thursday, December 28, 2006, beginning at approximately 11:30 p.m., there being present:

BEFORE: VINCENT J. POPPITI, SPECIAL MASTER

APPEARANCES:

THE BAYARD FIRM  
RICHARD D. KIRK, ESQ.  
222 Delaware Avenue, Suite 900  
Wilmington, Delaware 19899  
for Plaintiffs

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## Hearing

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<p>1 APPEARANCES (Continued):  2 MCKENNA, LONG &amp; ALDRIDGE, LLP  3 CASS W. CHRISTENSON, ESQ.  4 REL S. AMBROZY, ESQ.  5 JESSE KOKRDA, ESQ.  6 CORMAC CONNOR, ESQ.  7 1900 K Street, N.W.  8 Washington, D.C. 20006  9 for Plaintiffs</p> <p>10 RICHARDS LAYTON &amp; FINGER  11 FREDERICK L. COTTRELL, III  12 One Rodney Square  13 Wilmington, Delaware 19801  14 for Defendant Tatung Co.</p> <p>15 GREENBERG TRAURIG LLP  16 FRANK MERIDETH, ESQ.  17 2450 Colorado Avenue, Suite 400E  18 Santa Monica, California 90404  19 for Defendant Tatung Company of America, Inc.</p> <p>20 CONNOLLY BOVE LODGE &amp; HUTZ LLP  21 JEFFREY B. BOVE, ESQ.  22 JACQUELINE MASON, ESQ.  23 1007 North Orange Street  24 Wilmington, Delaware 19899  for Defendant Viewsonic Corporation</p>	<p>1 approximately two hours so that we can take a break and  2 make sure that anyone who needs to refresh themselves can  3 do that. And that break, I would expect a half hour,  4 unless someone suggests that we are going to need more  5 time than a half hour. So I would be looking to break  6 around 1:30.</p> <p>7 Does anyone have any problem with that?  8 MR. BOVE: Jeff Bove for Viewsonic.  9 That's fine, your Honor.</p> <p>10 MR. COTTRELL: Fred Cottrell. I have  11 another call at 2:00, which won't go very long, so I can  12 just jump back in, hopefully, only a few minutes after  13 our break.</p> <p>14 SPECIAL MASTER POPPITI: Thank you.  15 That's fine.</p> <p>16 MR. BOVE: Jeff Bove. Also, since I  17 have Jacqueline Mason with me, with the Court's  18 permission, once we got started, I was going to request  19 your Honor's permission to be excused. I am next door  20 and am available, but I will not be arguing today. Scott  21 Miller will be.</p> <p>22 SPECIAL MASTER POPPITI: I have no  23 problem with that at all.</p> <p>24 MR. BOVE: Your Honor, one --</p>
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<p>1 MR. BOVE: Your Honor, this is Jeff Bove  2 from Connolly Bove representing Viewsonic, along with  3 Jacqueline Mason and my partner Scott Miller from  4 Los Angeles.</p> <p>5 MR. COTTRELL: And, your Honor, Fred  6 Cottrell at Richards Layton in Wilmington for Tatung, and  7 on the phone from Greenberg Traurig, Frank Merideth.</p> <p>8 SPECIAL MASTER POPPITI: Next, please.</p> <p>9 MR. KIRK: Dick Kirk from The Bayard  10 Firm here in Wilmington for the plaintiff LG Phillips LCD  11 Company, Ltd., and with me on the line from Washington,  12 and perhaps elsewhere, from McKenna Long &amp; Aldridge are  13 Cass Christenson, Rel, R-e-l, Ambrozy, Derek Auito, and  14 Jesse Kokrda, K-o-k-r-d-a, and Cormac Connor,  15 C-o-r-m-a-c.</p> <p>16 SPECIAL MASTER POPPITI: Thank you,  17 Mr. Kirk.</p> <p>18 Then thank you, counsel, and good  19 morning as we come up shortly to noon.</p> <p>20 Let's do some housekeeping first, if you  21 will, with respect to today's proceeding.</p> <p>22 I would propose that, for purposes of  23 making sense of what I expect is going to be a fairly  24 healthy workday with you all, that we go for a period of</p>	<p>1 SPECIAL MASTER POPPITI: Please identify  2 yourselves each time.</p> <p>3 MR. BOVE: Jeff Bove again.</p> <p>4 SPECIAL MASTER POPPITI: Thank you,  5 Mr. Bove.</p> <p>6 MR. BOVE: One other point of  7 housekeeping, and I am sure everyone will want to weigh  8 in on this, particularly your Honor, which is the manner  9 in which the Court would propose to tackle these motions  10 today.</p> <p>11 Obviously, from Viewsonic's standpoint,  12 we have been thinking about it, and would toss the  13 proposal out for your Honor's consideration, obviously  14 for comment by all on the phone, which is to go, frankly,  15 motion by motion, request by request.</p> <p>16 As I understand, the Court does have  17 rather extensive written submissions of the parties, and  18 we were thinking, again, obviously, subject to your  19 Honor's views, that perhaps some reasonable closure on  20 oral argument, per discovery requests, might be  21 appropriate in order to give hope of completing the task  22 today.</p> <p>23 I simply offer that as a suggestion,  24 and, obviously, defer completely to your Honor's view.</p>

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20 (Pages 74 to 77)

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1	haven't looked at them for that issue, unfortunately.	1	most companies, doesn't keep products that have gone out
2	SPECIAL MASTER POPPITI: I understand	2	of sale in inventory, hopefully, in order to be
3	that. How many agreements do we expect?	3	successful. And, so, we are talking about a list of
4	MR. AMBROZY: We would look through at	4	products that dates back over four years.
5	least the three most recent, your Honor.	5	The only products Viewsonic would have
6	SPECIAL MASTER POPPITI: And how many	6	are products that are currently being sold or offered for
7	are there in the universe of agreements?	7	sale in the United States. It doesn't maintain a museum,
8	MR. MILLER: I believe there is probably	8	if you will, of old inventory.
9	on the order of a dozen agreements.	9	SPECIAL MASTER POPPITI: Well, if you
10	SPECIAL MASTER POPPITI: Okay. So, you	10	don't have them, you can't give them.
11	know, the task is not significant to compare that	11	MR. MILLER: We told them where they can
12	language.	12	locate them. And as to new products, we have declined to
13	MR. AMBROZY: In regard to the rest of	13	let them inspect them, we have offered to sell to them
14	the motion, your Honor?	14	because if they open up the package and take them out,
15	SPECIAL MASTER POPPITI: Yeah, please.	15	start taking them apart, they become a used product and
16	MR. AMBROZY: We had also sought	16	that's a cost that they should bear, not us.
17	production of actual monitors.	17	With regard to if we have other products
18	SPECIAL MASTER POPPITI: Right.	18	that are laying around for one reason or another, that
19	MR. AMBROZY: And we wanted to just	19	may be a dead product or something, we have -- we are
20	address that with your Honor in that Viewsonic initially	20	willing to try to collect whatever we can of ancient
21	provided -- initially agreed that they would provide	21	products and make those available for an inspection as
22	monitors but only for the accused devices, and as your	22	well, but it's only been, from LPL's side, just the
23	Honor knows, that started out with the VX 900 and then	23	intransigents, Just give us everything or nothing, so we
24	it, as the case progressed, just recently, LPL has	24	have not -- that has not progressed.
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1	supplemented its interrogatory responses to include, I	1	We are happy to sit down and try to work
2	think it was eight or nine other Viewsonic monitors.	2	out a solution if there are, you know, dinosaurs laying
3	SPECIAL MASTER POPPITI: Right.	3	around somewhere that they can look at, we are not
4	MR. AMBROZY: And we can get into the	4	intending to hide them. We are happy to let them look at
5	specifics of that later when we talk about the preclusion	5	them.
6	application, but the monitors that we are seeking are all	6	MR. AMBROZY: I think that's why these
7	the monitors that Viewsonic listed in response to LPL's	7	documents that Jean are contractually obligated to keep
8	interrogatory requests, I think it's interrogatory	8	from five years after the termination of that agreement
9	request No. 2 and 3, where we asked them to identify all	9	becomes so important.
10	their monitors. And we were seeking production or at	10	SPECIAL MASTER POPPITI: We will get to
11	least inspection of those monitors.	11	Jean in a moment after I have the opportunity to do the
12	And in response, I think you have seen	12	work that I suggested I need to do.
13	from the briefing on this, Viewsonic basically pointed	13	But with respect to the monitors,
14	LPL to its web site and said, You can buy whatever you	14	themselves, it seems to me what Mr. Miller is saying
15	need off the web site. And when we went to the web site	15	makes sense. I mean, if they have them, they said they
16	and tried to buy those monitors, the sum total that we	16	are going to provide them. If they are new product, it
17	were able to buy, I think there was only about six	17	seems to me that it is appropriate for you to purchase
18	percent of the numerous monitors listed in Viewsonic's	18	them. It should be at your cost.
19	response that we were able to purchase online.	19	If there are dinosaurs laying around,
20	So, we would like some guidance from	20	then I will take Mr. Miller at his word that they will do
21	Your Honor as to how we can work with Viewsonic to attain	21	a search, and at the end of that search, they will advise
22	all those monitors, or at least inspect them.	22	what they have for you to either inspect or even purchase
23	SPECIAL MASTER POPPITI: Mr. Miller.	23	a dinosaur if they are willing to -- if they are willing
24	MR. MILLER: Your Honor, Viewsonic, like	24	to let that go, and I would like some time frame as to

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<p>1 when all of that occurs.</p> <p>2 I don't hear Mr. Miller saying that they</p> <p>3 are not going to make these available.</p> <p>4 MR. AMBROZY: Again, Your Honor, and I</p> <p>5 <b>agree that they are not -- that he shouldn't be ordered</b></p> <p>6 <b>to produce something that he cannot produce.</b></p> <p>7 SPECIAL MASTER POPPITI: Right.</p> <p>8 MR. AMBROZY: But getting back to our</p> <p>9 point, and I understand we will get back to the Jean, but</p> <p>10 that does make those documents the best available</p> <p>11 evidence of the monitors that were previously sold.</p> <p>12 SPECIAL MASTER POPPITI: It may be. But</p> <p>13 I want to focus on the hardware, if you will, and I would</p> <p>14 just like a representation from the both of you as to</p> <p>15 when you can expect there will be some resolution to the</p> <p>16 process of what exists, new product that will be</p> <p>17 purchased, old product that will either be inspected or</p> <p>18 purchased, and a representation by Mr. Miller that that</p> <p>19 does constitute the universe of expected -- of available</p> <p>20 product.</p> <p>21 MR. MILLER: Your Honor, I am happy to</p> <p>22 do that with dispassion. I can only make so many demands</p> <p>23 on my client in terms of the things we have agreed to for</p> <p>24 the 19th.</p>	<p>1 dinosaurs that are ours.</p> <p>2 SPECIAL MASTER POPPITI: Right.</p> <p>3 MR. MILLER: And are in our facilities.</p> <p>4 SPECIAL MASTER POPPITI: Is the date of</p> <p>5 the 26th doable?</p> <p>6 MR. AMBROZY: Just to clarify, Your</p> <p>7 Honor, when Mr. Miller says that he is looking at</p> <p>8 Viewsonic, does that include Viewsonic -- I am not sure</p> <p>9 of the proper name, Scott -- but Viewsonic America or the</p> <p>10 other entities of Viewsonic?</p> <p>11 MR. MILLER: I would be looking at</p> <p>12 Viewsonic America, which would be the only place I would</p> <p>13 expect to find the U.S. products. I mean, if we are</p> <p>14 going to expand this to overseas, it's going to take</p> <p>15 substantially longer.</p> <p>16 MR. AMBROZY: We will start with the</p> <p>17 U.S. products, but that brings, Your Honor, brings us to</p> <p>18 another point --</p> <p>19 SPECIAL MASTER POPPITI: No new points.</p> <p>20 We will keep it to what was asked for. I will look at</p> <p>21 the document that you are going to provide to me over the</p> <p>22 break, and if it becomes an issue that is looking</p> <p>23 overseas, we can join that issue at some other point.</p> <p>24 MR. MILLER: Your Honor, as to the 26th,</p>
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<p>1 This is going to be a, you know, a</p> <p>2 looking around for dinosaur kind of project. It's not</p> <p>3 going to be that straightforward. I am going to need</p> <p>4 some time, I would think, you know, until the end of</p> <p>5 January, perhaps, to get that list assembled. I mean,</p> <p>6 the products that are available for purchase obviously</p> <p>7 are on our web site and they can get those at any time</p> <p>8 they choose.</p> <p>9 SPECIAL MASTER POPPITI: And those that</p> <p>10 are available for purchase and if they are on the web</p> <p>11 site, that can be done right away.</p> <p>12 To search for dinosaurs, I mean, how</p> <p>13 many are we -- how many exist? Any idea?</p> <p>14 MR. MILLER: There is 216 products</p> <p>15 listed on our list, and we are looking through a, you</p> <p>16 know, five or 600,000 foot facility, which is warehouse</p> <p>17 and office and it may be on somebody's desk, that we are</p> <p>18 going to have to try to locate some of these things. So</p> <p>19 it's not a -- it's not just an easy task, I don't</p> <p>20 believe.</p> <p>21 SPECIAL MASTER POPPITI: And are we</p> <p>22 talking about dinosaurs that are yours or dinosaurs that</p> <p>23 may be in the possession of the OEMs?</p> <p>24 MR. MILLER: No. We are talking about</p>	<p>1 could I ask for the 29th to give me another weekend, if</p> <p>2 necessary, to scrounge around, please?</p> <p>3 SPECIAL MASTER POPPITI: 29th is fine.</p> <p>4 Okay. We are just about at 1:30. Did that finish that</p> <p>5 particular application?</p> <p>6 MR. AMBROZY: The only issue remaining,</p> <p>7 Your Honor, was the fact of the limitation to U.S. sales</p> <p>8 which we think is improper.</p> <p>9 We believe that our discovery should be</p> <p>10 responded to to include monitors that are imported to the</p> <p>11 U.S. as well as monitors that might go to Mexico, are</p> <p>12 assembled or put under a different brand name and then</p> <p>13 make their way into the United States. So just limiting</p> <p>14 the search to just monitors that are imported by</p> <p>15 Viewsonic into the United States, we think, is too</p> <p>16 narrow.</p> <p>17 SPECIAL MASTER POPPITI: Mr. Miller.</p> <p>18 MR. MILLER: I think we have retrenched</p> <p>19 to the motion I thought we had finished which was the</p> <p>20 information about sales. This was technical documents</p> <p>21 and those sorts of things.</p> <p>22 Is that what you are doing, Rel?</p> <p>23 MR. AMBROZY: No. I am trying to get</p> <p>24 before his Honor the proper scope of the requests, which</p>

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1	inducement motion that you had -- that you had, as you	1 C E R T I F I C A T E .
2	had stated earlier, we would circle back to later.	2 STATE OF DELAWARE:
3	SPECIAL MASTER POPPITI: That's correct.	3 NEW CASTLE COUNTY:
4	MR. KIRK: Not to impose more work on	4 I, Renee A. Meyers, a Registered Professional
5	you, I know that when we supplied things this afternoon	5 Reporter, within and for the County and State aforesaid,
6	at our break, we just supplied a case citation. I know	6 do hereby certify that the foregoing hearing was taken
7	Miss Mason supplied citations and a little bit of text	7 before me, pursuant to notice, at the time and place
8	arguing the cases.	8 indicated; that the hearing was correctly recorded in
9	SPECIAL MASTER POPPITI: Yes.	9 machine shorthand by me and thereafter transcribed under
10	MR. KIRK: Might we have just a short	10 my supervision with computer-aided transcription; that
11	amount where we could at least annotate our ideas in	11 the foregoing hearing is a true record of the hearing;
12	about the same length that she did.	12 and that I am neither of counsel nor kin to any party in
13	SPECIAL MASTER POPPITI: Yes.	13 said action, nor interested in the outcome thereof.
14	MR. KIRK: And we could do that	14 WITNESS my hand this 29th day of December A.D.
15	tomorrow?	15 2006.
16	SPECIAL MASTER POPPITI: Yes.	16
17	MR. KIRK: Thank you, Your Honor.	17
18	SPECIAL MASTER POPPITI: I really	18 RENEE A. MEYERS
19	appreciate everyone's time and enduring attention for	19 REGISTERED PROFESSIONAL REPORTER
20	what we had to do today.	19 CERTIFICATION NO. 106-RPR
21	I wish you all the best of the beginning	20 (Expires January 31, 2008)
22	of a new year. Stay safe and healthy and I look forward	21
23	to working with you again on Wednesday of the new week.	22
24	MR. CHRISTENSON: Thank you, Your Honor.	23
		24
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1	MR. MILLER: Thank you, Your Honor.	
2	MS. MASON: Thank you.	
3	(The hearing was concluded at 6:17 p.m.)	
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